

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

ROLF ERIK CARLSON,

Plaintiff,

v.

Civ. No. 17-784 RB/GJF

UNITED STATES DEPARTMENT
OF ENERGY,

Defendant.

ORDER EXTENDING DEADLINES


THIS MATTER comes before the Court *sua sponte*. On April 2, 2018, Defendant filed its “Motion to Dismiss” (“Motion”) [ECF No. 22] along with its “Memorandum in Support of [its] Motion to Dismiss” (“Memorandum”) [ECF No. 23]. In both documents, Defendant states that Plaintiff was served electronically through the Case Management/Electronic Case Filing (“CM/ECF”) system. ECF No. 22 at 2; ECF No. 23 at 12.

By serving Defendant through CM/ECF only, Defendant has improperly served Plaintiff. On August 9, 2017, Plaintiff completed the “CM/ECF Pro Se Notification Form” provided by the Clerk of the Court, and therein elected to receive notification via *postal mail*. ECF No. 5. Thus, service by CM/ECF upon Plaintiff is improper.

To remedy this deficiency, the Court **HEREBY ORDERS** Defendant to serve upon Plaintiff, by U.S. Postal Service certified mail, a copy of this Order and Defendant’s Motion and Memorandum [ECF Nos. 22, 23] no later than close of business on **April 23, 2018**.

Plaintiff shall have until **May 11, 2018**, to file his response, and Defendant, should it choose to do so, may file a reply no later than May 25, 2018.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE